

House Study Bill 270

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
VETERANS AFFAIRS BILL BY
CHAIRPERSON ZIRKELBACH)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act concerning the administration of veterans services.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
3 TLSB 2669YC 83
4 ec/rj/14

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1 1 Section 1. Section 7E.5, subsection 1, paragraph v, Code
1 2 2009, is amended to read as follows:
1 3 v. The department of veterans ~~affairs services~~. However,
1 4 the commission of veterans ~~affairs services~~ created in section
1 5 35A.2 shall have primary responsibility for state veterans
1 6 ~~affairs services~~.
1 7 Sec. 2. Section 8A.402, subsection 2, paragraph f, Code
1 8 2009, is amended to read as follows:
1 9 f. Develop, in consultation with the department of
1 10 veterans ~~affairs services~~, programs to inform members of the
1 11 national guard or organized reserves of the armed forces of
1 12 the United States returning to Iowa following active federal
1 13 service about job opportunities in state government.
1 14 Sec. 3. Section 16.54, subsection 6, Code 2009, is amended
1 15 to read as follows:
1 16 6. The department of veterans ~~affairs services~~ shall
1 17 support the program by providing eligibility determinations
1 18 and other program assistance requested by the authority.
1 19 Sec. 4. Section 16.100A, subsection 2, paragraph b,
1 20 subparagraph (11), Code 2009, is amended to read as follows:
1 21 (11) The director of the department of veterans ~~affairs~~
1 22 ~~services~~ or the director's designee.
1 23 Sec. 5. Section 35.1, subsection 1, Code 2009, is amended
1 24 to read as follows:
1 25 1. "Department" means the Iowa department of veterans
1 26 ~~affairs services~~ created in section 35A.4.
1 27 Sec. 6. Section 35.8, Code 2009, is amended to read as
1 28 follows:
1 29 35.8 WAR ORPHANS EDUCATIONAL ASSISTANCE FUND.
1 30 A war orphans educational assistance fund is created as a
1 31 separate fund in the state treasury under the control of the
1 32 department of veterans ~~affairs services~~. Any money
1 33 appropriated for the purpose of assisting in the education of
1 34 orphaned children of veterans, as defined in section 35.1, or
1 35 the education of a child as provided in section 35.9,
2 1 subsection 2, shall be deposited in the war orphans
2 2 educational assistance fund. Notwithstanding section 8.33,
2 3 any unexpended or unencumbered moneys remaining in the fund at
2 4 the end of the fiscal year shall not revert, but shall remain
2 5 available for expenditure for purposes of this section in
2 6 succeeding fiscal years.
2 7 Sec. 7. Section 35.10, Code 2009, is amended to read as
2 8 follows:
2 9 35.10 ELIGIBILITY AND PAYMENT OF ASSISTANCE.
2 10 Eligibility for assistance shall be determined upon
2 11 application to the department of veterans ~~affairs services~~,
2 12 whose decision is final. The eligibility of eligible
2 13 applicants shall be certified by the department of veterans
2 14 ~~affairs services~~ to the director of the department of
2 15 administrative services, and all amounts that are or become
2 16 due to an individual or a training institution under this
2 17 chapter shall be paid to the individual or institution by the
2 18 director of the department of administrative services upon
2 19 receipt by the director of certification by the president or

2 20 governing board of the educational or training institution as
2 21 to accuracy of charges made, and as to the attendance of the
2 22 individual at the educational or training institution. The
2 23 department of veterans ~~affairs~~ services may pay over the
2 24 annual sum set forth in section 35.9 to the educational or
2 25 training institution in a lump sum, or in installments as the
2 26 circumstances warrant, upon receiving from the institution
2 27 such written undertaking as the department may require to
2 28 assure the use of funds for the child for the authorized
2 29 purposes and for no other purpose. A person is not eligible
2 30 for the benefits of this chapter until the person has
2 31 graduated from a high school or educational institution
2 32 offering a course of training equivalent to high school
2 33 training.

2 34 Sec. 8. Section 35A.1, Code 2009, is amended to read as
2 35 follows:

3 1 35A.1 DEFINITIONS.

3 2 ~~1. "Commandant" means the commandant of the Iowa veterans~~
3 3 ~~home appointed in section 35D.13.~~

3 4 ~~2. 1. "Commission" means the commission of veterans~~
3 5 ~~affairs services established in section 35A.2.~~

3 6 ~~3. 2. "Commissioner" means a member of the commission of~~
3 7 ~~veterans affairs services.~~

3 8 ~~4. 3. "Department" means the Iowa department of veterans~~
3 9 ~~affairs services established in section 35A.4.~~

3 10 ~~5. 4. "Director" means the executive director appointed~~
3 11 ~~pursuant to section 35A.8.~~

3 12 Sec. 9. Section 35A.2, Code 2009, is amended to read as
3 13 follows:

3 14 35A.2 COMMISSION OF VETERANS ~~AFFAIRS~~ SERVICES.

3 15 1. A commission of veterans ~~affairs services~~ is created
3 16 consisting of nine persons who shall be appointed by the
3 17 governor, subject to confirmation by the senate. Members
3 18 shall be appointed to staggered terms of four years beginning
3 19 and ending as provided in section 69.19. The governor shall
3 20 fill a vacancy for the unexpired portion of the term. In
3 21 addition to the members appointed by the governor, the
3 22 director of the department, ~~and the commandant administrator~~
3 23 ~~of the Iowa veterans home services, and the administrator of~~
3 24 ~~community-based veterans services~~ shall serve as nonvoting, ex

3 25 officio members of the commission.
3 26 2. Eight commissioners shall be honorably discharged
3 27 members of the armed forces of the United States. The
3 28 American legion of Iowa, disabled American veterans department
3 29 of Iowa, veterans of foreign wars department of Iowa, American
3 30 veterans of World War II, Korea, and Vietnam, the Vietnam
3 31 veterans of America, and the military order of the purple
3 32 heart, through their department commanders, shall submit two
3 33 names respectively from their organizations to the governor.
3 34 The adjutant general and the Iowa affiliate of the reserve
3 35 officers association shall submit names to the governor of
4 1 persons to represent the Iowa national guard and the
4 2 association. The governor shall appoint from the group of
4 3 names submitted by the adjutant general and reserve officers
4 4 association two representatives and from each of the other
4 5 organizations one representative to serve as a member of the
4 6 commission, unless the appointments would conflict with the
4 7 bipartisan and gender balance provisions of sections 69.16 and
4 8 69.16A. In addition, the governor shall appoint one member of
4 9 the public, knowledgeable in the general field of veterans
4 10 ~~affairs services~~, to serve on the commission.

4 11 Sec. 10. Section 35A.3, subsection 4, Code 2009, is
4 12 amended by striking the subsection.

4 13 Sec. 11. Section 35A.4, Code 2009, is amended to read as
4 14 follows:

4 15 35A.4 DEPARTMENT ESTABLISHED.

4 16 There is established an Iowa department of veterans ~~affairs~~
4 17 ~~services~~ which shall consist of a commission, an executive
4 18 director, and any additional personnel as employed by the
4 19 executive director.

4 20 Sec. 12. Section 35A.5, Code 2009, is amended by adding
4 21 the following new subsection:

4 22 NEW SUBSECTION. 0A. Provide for the uniform delivery of a
4 23 comprehensive array of services to veterans at the community
4 24 level, to include providing for veterans long-term care needs.

4 25 Sec. 13. Section 35A.5, subsections 5 and 7, Code 2009,
4 26 are amended to read as follows:

4 27 5. Collect and maintain information concerning veterans
4 28 ~~affairs services~~.

4 29 7. Assist the United States veterans administration, the
4 30 Iowa veterans home, funeral directors, and federally chartered

4 31 veterans service organizations in providing information
4 32 concerning veterans service records and veterans ~~affairs~~
4 33 ~~services~~ data.

4 34 Sec. 14. Section 35A.5, Code 2009, is amended by adding
4 35 the following new subsection:

5 1 NEW SUBSECTION. 7A. Supervise the administrator of the
5 2 veterans home services division's administration of department
5 3 policy for the operations and conduct of the Iowa veterans
5 4 home.

5 5 Sec. 15. NEW SECTION. 35A.6 DIVISIONS OF THE DEPARTMENT
5 6 == DUTIES.

5 7 The department is comprised of the veterans home services
5 8 division and the community-based veterans services division.
5 9 The veterans home services division shall be responsible for
5 10 administering the Iowa veterans home and the community-based
5 11 veterans services division shall be responsible for those
5 12 duties of the department as assigned by the director.

5 13 Sec. 16. Section 35A.8, subsection 2, Code 2009, is
5 14 amended to read as follows:

5 15 2. The executive director shall be a resident of the state
5 16 of Iowa and a current member of the reserve forces of the
5 17 United States, a current member of the Iowa national guard, or
5 18 an honorably discharged veteran who served in the armed forces
5 19 of the United States during a conflict or war. As used in
5 20 this section, the dates of service in a conflict or war shall
5 21 coincide with the dates of service established by the Congress
5 22 of the United States.

5 23 Sec. 17. Section 35A.8, subsection 3, Code 2009, is
5 24 amended to read a follows:

5 25 3. ~~Except for the employment duties and responsibilities~~
5 26 ~~assigned to the commandant for the Iowa veterans home, the~~ The
5 27 executive director shall appoint the administrators of the
5 28 divisions within the department and shall employ such other
5 29 personnel as are necessary for the performance of the duties
5 30 and responsibilities assigned to the department and the
5 31 commission. The appointment of the administrator of the
5 32 veterans home services division shall be made consistent with
5 33 the requirements of section 35D.13. All employees shall be
5 34 selected on a basis of fitness for the work to be performed
5 35 with due regard to training and experience and shall be
6 1 subject to the provisions of chapter 8A, subchapter IV.

6 2 Sec. 18. Section 35A.8A, subsection 2, paragraph d, Code
6 3 2009, is amended to read as follows:

6 4 d. The person files an application for compensation under
6 5 this section in a manner determined by the department of
6 6 veterans ~~affairs services~~ by July 1, 2010.

6 7 Sec. 19. Section 35A.8A, subsection 7, Code 2009, is
6 8 amended to read as follows:

6 9 7. The executive director of the department of veterans
6 10 ~~affairs services~~ shall provide for the administration of the
6 11 bonus authorized in this section. The department shall adopt
6 12 rules, pursuant to chapter 17A, as necessary to administer
6 13 this section including but not limited to application
6 14 procedures, investigation, approval or disapproval, and
6 15 payment of claims. The department may expend up to one
6 16 percent of the moneys appropriated for the bonus compensation
6 17 authorized under this section for administrative costs
6 18 associated with the requirements of this section.

6 19 Sec. 20. Section 35A.9, subsections 1 and 2, Code 2009,
6 20 are amended to read as follows:

6 21 1. The executive director, ~~commandant administrators~~, and
6 22 employees of the department and the Iowa veterans home are
6 23 entitled to receive, in addition to salary, reimbursement for
6 24 actual expenses incurred while engaged in the performance of
6 25 official duties.

6 26 2. All out-of-state travel by commissioners, the executive
6 27 director, ~~the commandant administrators~~, or employees of the
6 28 department or the Iowa veterans home shall be approved by the
6 29 ~~chairperson of the commission~~ executive director.

6 30 Sec. 21. Section 35A.10, subsections 1 and 2, Code 2009,
6 31 are amended to read as follows:

6 32 1. The commission shall work with the department of
6 33 administrative services to prepare and submit to the director
6 34 of the department of management, as provided in section 8.23,
6 35 a multiyear construction program including estimates of the
7 1 expenditure requirements for the construction, repair, or
7 2 improvement of buildings, grounds, or equipment at the
7 3 commission of veterans ~~affairs services~~ building at Camp Dodge
7 4 and the Iowa veterans home in Marshalltown.

7 5 2. ~~The commandant administrator of the veterans home~~
7 6 ~~services division~~ and the commission shall have plans and

7 7 specifications prepared by the department of administrative
7 8 services for authorized construction, repair, or improvement
7 9 projects in excess of the competitive bid threshold in section
7 10 26.3, or as established in section 314.1B. An appropriation
7 11 for a project shall not be expended until the department of
7 12 administrative services has adopted plans and specifications
7 13 and has completed a detailed estimate of the cost of the
7 14 project, prepared under the supervision of a registered
7 15 architect or licensed professional engineer.

7 16 Sec. 22. Section 35B.6, subsection 1, paragraph b, Code
7 17 2009, is amended to read as follows:

7 18 b. Upon the employment of an executive director, the
7 19 executive director shall complete a course of initial training
7 20 provided by the department of veterans ~~affairs~~ services
7 21 pursuant to section 35A.5. If an executive director is not
7 22 appointed, a commissioner or a clerical assistant shall
7 23 complete the course of training. The department shall issue
7 24 the executive director, commissioner, or clerical assistant a
7 25 certificate of training after completion of the initial
7 26 training course. To maintain annual certification, the
7 27 executive director, commissioner, or clerical assistant shall
7 28 attend one department training course each year. Failure to
7 29 maintain certification may be cause for removal from office.
7 30 The expenses of training shall be paid from the appropriation
7 31 authorized in section 35B.14.

7 32 Sec. 23. Section 35B.11, Code 2009, is amended to read as
7 33 follows:

7 34 35B.11 DATA FURNISHED IOWA DEPARTMENT OF VETERANS ~~AFFAIRS~~
7 35 SERVICES.

8 1 The commission of veteran affairs of each county shall
8 2 provide information to the department of veterans ~~affairs~~
8 3 services as the department may request.

8 4 Sec. 24. Section 35B.19, Code 2009, is amended to read as
8 5 follows:

8 6 35B.19 BURIAL RECORDS.

8 7 The county commission of veteran affairs shall be charged
8 8 with securing the information requested by the department of
8 9 veterans ~~affairs~~ services of every person having a military
8 10 service record and buried in that county. Such information
8 11 shall be secured from the undertaker in charge of the burial
8 12 and shall be transmitted by the undertaker to the commission
8 13 of veteran affairs of the county where burial is made. This
8 14 information shall be recorded alphabetically and by
8 15 description of location in the cemetery where the veteran is
8 16 buried. This recording shall conform to the directives of the
8 17 department of veterans ~~affairs~~ services and shall be kept in a
8 18 book by the county commission.

8 19 Sec. 25. Section 35D.1, subsection 2, paragraphs a and b,
8 20 Code 2009, are amended to read as follows:

8 21 a. "~~Commandant~~" "Administrator" means the ~~commandant~~
8 22 administrator of the ~~Iowa~~ veterans home services division
8 23 appointed pursuant to section 35A.8, subsection 3, and section
8 24 35D.13.

8 25 b. "~~Commission~~" "Department" means the ~~commission~~
8 26 department of veterans ~~affairs~~ services established in section
8 27 ~~35A.2~~ 35A.4.

8 28 Sec. 26. Section 35D.2, subsection 1, Code 2009, is
8 29 amended to read as follows:

8 30 1. Persons described in section 35D.1 who do not have
8 31 sufficient means for their own support, or are disabled by
8 32 disease, wounds, old age, or otherwise, and are unable to earn
8 33 a livelihood, and who are residents of the state of Iowa on
8 34 the date of the application and immediately preceding the date
8 35 the application is accepted, may be admitted to the home as
9 1 members under rules adopted by the ~~commission~~ department.
9 2 Eligibility determinations are subject to approval by the
9 3 ~~commandant~~ administrator.

9 4 Sec. 27. Section 35D.3, Code 2009, is amended to read as
9 5 follows:

9 6 35D.3 RULES == GENERAL MANAGEMENT.

9 7 The ~~commission~~ department shall adopt all the necessary
9 8 rules, pursuant to chapter 17A, for the preservation of order
9 9 and enforcement of discipline, the promotion of health and
9 10 well-being of all the members and the management and control
9 11 of the home and its grounds.

9 12 Sec. 28. Section 35D.4, subsection 2, Code 2009, is
9 13 amended to read as follows:

9 14 2. The cottages may be made available to persons on the
9 15 staff of the home at a rental rate determined by the
9 16 ~~commission~~ department.

9 17 Sec. 29. Section 35D.5, Code 2009, is amended to read as

9 18 follows:
9 19 35D.5 SURVIVING SPOUSES OF VETERANS.
9 20 If a deceased veteran, who would be entitled to admission
9 21 to the home if the deceased veteran were living, has left a
9 22 surviving spouse, the spouse is entitled to admission to the
9 23 home with the same rights, privileges and benefits as if the
9 24 veteran were living and a member of the home, if the spouse
9 25 was married to the veteran for at least one year immediately
9 26 prior to the veteran's death, is found by the ~~commandant~~
9 27 ~~administrator~~ to be disabled, does not have sufficient means
9 28 for support and maintenance, and is a resident of the state of
9 29 Iowa on the date of the application and immediately preceding
9 30 the date the application is accepted.
9 31 Sec. 30. Section 35D.6, Code 2009, is amended to read as
9 32 follows:
9 33 35D.6 CERTIFICATE OF ELIGIBILITY.
9 34 Before admission, each applicant shall file with the
9 35 ~~commandant~~ ~~administrator~~ an affidavit signed by two members of
10 1 the commission of veteran affairs of the county in which the
10 2 person resides, stating that the person to the best of their
10 3 knowledge and belief is a resident of that county and that the
10 4 person is unable to earn a livelihood and the person's income,
10 5 exclusive of pension, compensation, war risk insurance
10 6 payments, or pensions or annuities under the Social Security
10 7 Act and the Railroad Retirement Acts, is less than is
10 8 sufficient to provide the type of health care necessary for
10 9 the person's welfare. The affidavit is conclusive evidence of
10 10 the residence of the person but is prima facie only in all
10 11 other matters affecting the eligibility of the applicant and
10 12 the liability of the county with respect to the expense of the
10 13 person for which the county may be liable. All records of
10 14 admission shall show the residence of the applicant.
10 15 Sec. 31. Section 35D.7, subsections 2 and 3, Code 2009,
10 16 are amended to read as follows:
10 17 2. Sums paid to and received by the ~~commandant~~
10 18 ~~administrator~~ for the support of members of the home shall be
10 19 paid monthly by the ~~commandant~~ ~~administrator~~ to the treasurer
10 20 of state and credited to the general fund of the state.
10 21 3. The ~~commandant~~ ~~administrator~~ may require any member of
10 22 the home to render assistance in the care of the home and its
10 23 grounds as the member's psychosocial and physical condition
10 24 permit, as a phase of that member's rehabilitation program.
10 25 The ~~commandant~~ ~~administrator~~ shall compensate each member who
10 26 furnishes assistance at rates established by the ~~commission~~
10 27 ~~department~~.
10 28 Sec. 32. Section 35D.8, Code 2009, is amended to read as
10 29 follows:
10 30 35D.8 CONDITIONAL ADMITTANCE.
10 31 The ~~commission~~ ~~department~~ may, if there is room for all
10 32 dependent members and applicants, admit and allow to remain in
10 33 the home persons who have sufficient means for their own
10 34 support but are otherwise eligible to become members of the
10 35 home, on payment of the cost of their support. The cost and
11 1 method of collection shall be determined by the ~~commission~~
11 2 ~~department~~.
11 3 Sec. 33. Section 35D.10, Code 2009, is amended to read as
11 4 follows:
11 5 35D.10 PAYMENT TO DEPENDENTS.
11 6 Except as otherwise provided in chapter 249A and other
11 7 provisions of this chapter, a member of the home who receives
11 8 a pension or compensation and who has a child, as defined in
11 9 section 234.1, or a spouse who is dependent upon employment or
11 10 others for support shall deposit with the ~~commandant~~
11 11 ~~administrator~~ on receipt of the member's pension or
11 12 compensation check one-half of its amount, which shall be sent
11 13 at once to the spouse or, if there is no spouse, to the
11 14 guardian of the child. The ~~commandant~~ ~~administrator~~, if
11 15 satisfied that the spouse has deserted the member of the home,
11 16 may pay the money deposited to the guardian of the child.
11 17 Sec. 34. Section 35D.11, Code 2009, is amended to read as
11 18 follows:
11 19 35D.11 HANDLING OF PENSION MONEY AND OTHER FUNDS.
11 20 1. Pension money deposited with the ~~commandant~~
11 21 ~~administrator~~ is not assignable for any purpose except as
11 22 provided in sections 35D.10 and 35D.16, or in accordance with
11 23 subsection 2 of this section.
11 24 2. The ~~commandant~~ ~~administrator~~, if authorized by a member
11 25 of the home, and pursuant to policies adopted by the
11 26 ~~commission~~ ~~department~~, may act on behalf of that member in
11 27 receiving, disbursing, and accounting for personal funds of
11 28 the member received from any source. The authorization may be

11 29 given by the member at any time and shall not be a condition
11 30 of admission to the home.
11 31 Sec. 35. Section 35D.12, Code 2009, is amended to read as
11 32 follows:
11 33 35D.12 BANK ACCOUNT FOR MEMBERS' DEPOSITS.
11 34 1. The Iowa veterans home, for the convenience of its
11 35 members, may maintain a commercial account with a federally
12 1 insured bank for the individual personal deposits of its
12 2 members. The account shall be known as the Iowa veterans home
12 3 membership account. The ~~commandant~~ administrator shall record
12 4 each member's personal deposits individually and shall deposit
12 5 the funds in the membership account, where the members'
12 6 deposits shall be held in the aggregate.
12 7 2. The ~~commandant~~ administrator, if authorized by a member
12 8 of the home, and pursuant to policies adopted by the
12 9 ~~commission~~ department, may make withdrawals against that
12 10 member's personal account to pay regular bills and other
12 11 expenses incurred by the member. The authorization may be
12 12 given by the member at any time and shall not be a condition
12 13 of admission to the home.
12 14 Sec. 36. Section 35D.13, Code 2009, is amended to read as
12 15 follows:
12 16 35D.13 ~~COMMANDANT~~ ADMINISTRATOR.
12 17 1. ~~The governor shall appoint a commandant, subject to~~
12 18 ~~senate confirmation, who shall serve at the pleasure of the~~
12 19 ~~governor as the chief executive of the home~~ administrator
12 20 shall be appointed by the executive director of the department
12 21 as provided in section 35A.8, subsection 3. The ~~commandant~~
12 22 administrator shall report directly to the ~~commission~~
12 23 department and shall have the immediate custody and control,
12 24 subject to the orders of the ~~commission~~ department, of all
12 25 property used in connection with the home.
12 26 2. The ~~commandant~~ administrator shall be a resident of the
12 27 state of Iowa who ~~served in the armed forces of the United~~
12 28 ~~States and was honorably discharged, and is a licensed nursing~~
12 29 ~~home administrator and shall hold, at a minimum, a masters~~
12 30 ~~degree in health facility administration, business~~
12 31 ~~administration, or public administration. Preference in~~
12 32 ~~appointing an administrator shall be given to a person who~~
12 33 ~~served in the armed forces of the United States and was~~
12 34 ~~honorably discharged.~~
12 35 3. ~~The salary of the commandant shall be fixed by the~~
13 1 ~~governor within salary guidelines or a range established by~~
13 2 ~~the general assembly. In addition to salary, the commission~~
13 3 ~~department shall furnish the~~ commandant administrator with a
13 4 dwelling house or with appropriate quarters and additional
13 5 allowances, as provided in section 218.14 for executive heads
13 6 of state institutions.
13 7 Sec. 37. Section 35D.14, Code 2009, is amended to read as
13 8 follows:
13 9 35D.14 PERSONNEL == EXPENSES == COMPENSATION.
13 10 The ~~commandant~~ executive director of the department, in
13 11 consultation with the administrator or the ~~commandant's~~
13 12 administrator's designee, shall employ such personnel as are
13 13 necessary for the performance of the duties and
13 14 responsibilities assigned to the ~~commandant~~ administrator.
13 15 All employees shall be selected on a basis of fitness for the
13 16 work to be performed with due regard to training and
13 17 experience and shall be subject to the provisions of chapter
13 18 8A, subchapter IV.
13 19 The ~~commandant~~ administrator and employees of the Iowa
13 20 veterans home are entitled to receive, in addition to salary,
13 21 reimbursement for actual expenses incurred while engaged in
13 22 the performance of official duties pursuant to section 35A.9.
13 23 Sec. 38. Section 35D.15, Code 2009, is amended to read as
13 24 follows:
13 25 35D.15 RULES ENFORCED == POWER TO SUSPEND AND EXPEL
13 26 MEMBERS.
13 27 The ~~commandant~~ administrator shall administer and enforce
13 28 all rules adopted by the ~~commission~~ department, including
13 29 rules of discipline and, subject to these rules, may
13 30 immediately suspend the membership of and expel any person
13 31 from the home for infraction of the rules when the ~~commandant~~
13 32 administrator determines that the health, safety, or welfare
13 33 of the residents of the home is in immediate danger and other
13 34 reasonable alternatives have been exhausted. The suspension
13 35 and expulsion are temporary pending action by the ~~commission~~
14 1 department. Judicial review of the action of the ~~commission~~
14 2 department may be sought in accordance with chapter 17A.
14 3 Sec. 39. Section 35D.17, Code 2009, is amended to read as
14 4 follows:

14 5 35D.17 REPORT BY ~~COMMANDANT~~ ADMINISTRATOR.

14 6 The ~~commandant administrator~~ shall, biennially, make a full
14 7 and detailed report to the governor, the ~~commission~~
14 8 ~~department~~, and the general assembly, showing the condition of
14 9 the home, the number of members in the Iowa veterans home, the
14 10 order and discipline enforced, and the needs of the home
14 11 financially and otherwise, together with an itemized statement
14 12 of all receipts and disbursements and any other matters of
14 13 importance in the management and control of the Iowa veterans
14 14 home.

14 15 Sec. 40. Section 36.1, subsection 3, Code 2009, is amended
14 16 to read as follows:

14 17 3. "Department" means the department of veterans ~~affairs~~
14 18 ~~services~~ established in section 35A.4.

14 19 Sec. 41. Section 37A.1, subsection 1, paragraph a, Code
14 20 2009, is amended to read as follows:

14 21 a. "Department" means the Iowa department of veterans
14 22 ~~affairs services~~.

14 23 Sec. 42. Section 135.20, subsection 2, unnumbered
14 24 paragraph 1, Code 2009, is amended to read as follows:

14 25 The information to be distributed shall be determined by
14 26 the department by rule, in consultation with the department of
14 27 veterans ~~affairs services~~. The department shall cooperate
14 28 with the department of veterans ~~affairs services~~ regarding
14 29 distribution of the information to the veterans home, the
14 30 county commissions of veteran affairs, veterans hospitals, and
14 31 other appropriate points of distribution. The information
14 32 shall, at a minimum, contain statements indicating that:

14 33 Sec. 43. Section 135C.31A, Code 2009, is amended to read
14 34 as follows:

14 35 135C.31A ASSESSMENT OF RESIDENTS == PROGRAM ELIGIBILITY.

15 1 A health care facility receiving reimbursement through the
15 2 medical assistance program under chapter 249A shall assist the
15 3 Iowa department of veterans ~~affairs services~~ in identifying,
15 4 upon admission of a resident, the resident's eligibility for
15 5 benefits through the United States department of veterans
15 6 affairs. The department of inspections and appeals, in
15 7 cooperation with the department of human services, shall adopt
15 8 rules to administer this section, including a provision that
15 9 ensures that if a resident is eligible for benefits through
15 10 the United States department of veterans affairs or other
15 11 third-party payor, the payor of last resort for reimbursement
15 12 to the health care facility is the medical assistance program.
15 13 The rules shall also require the health care facility to
15 14 request information from a resident or resident's personal
15 15 representative regarding the resident's veteran status and to
15 16 report to the Iowa department of veterans ~~affairs services~~
15 17 only the names of residents identified as potential veterans
15 18 along with the names of their spouses and any dependents.
15 19 Information reported by the health care facility shall be
15 20 verified by the Iowa department of veterans ~~affairs services~~.
15 21 This section shall not apply to the admission of an individual
15 22 to a state mental health institute for acute psychiatric care
15 23 or to the admission of an individual to the Iowa veterans
15 24 home.

15 25 Sec. 44. Section 256.9, subsection 48, Code 2009, is
15 26 amended to read as follows:

15 27 48. Develop and administer, with the cooperation of the
15 28 department of veterans ~~affairs services~~, a program which shall
15 29 be known as operation recognition. The purpose of the program
15 30 is to award high school diplomas to veterans of World War I,
15 31 World War II, and the Korean and Vietnam conflicts who left
15 32 high school prior to graduation to enter United States
15 33 military service. The department of education and the
15 34 department of veterans ~~affairs services~~ shall jointly develop
15 35 an application procedure, distribute applications, and
16 1 publicize the program to school districts, accredited
16 2 nonpublic schools, county commissions of veteran affairs,
16 3 veterans organizations, and state, regional, and local media.
16 4 All honorably discharged veterans who are residents or former
16 5 residents of the state; who served at any time between April
16 6 6, 1917, and November 11, 1918, at any time between September
16 7 16, 1940, and December 31, 1946, at any time between June 25,
16 8 1950, and January 31, 1955, or at any time between February
16 9 28, 1961, and May 5, 1975, all dates inclusive; and who did
16 10 not return to school and complete their education after the
16 11 war or conflict shall be eligible to receive a diploma.
16 12 Diplomas may be issued posthumously. Upon approval of an
16 13 application, the department shall issue an honorary high
16 14 school diploma for an eligible veteran. The diploma shall
16 15 indicate the veteran's school of attendance. The department

16 16 of education and the department of veterans ~~affairs services~~
16 17 shall work together to provide school districts, schools,
16 18 communities, and county commissions of veteran affairs with
16 19 information about hosting a diploma ceremony on or around
16 20 Veterans Day. The diploma shall be mailed to the veteran or,
16 21 if the veteran is deceased, to the veteran's family.

16 22 Sec. 45. Section 303.2, subsection 2, paragraph k, Code
16 23 2009, is amended to read as follows:

16 24 k. Administer, preserve, and interpret the battle flag
16 25 collection assembled by the state in consultation and
16 26 coordination with the department of veterans ~~affairs services~~
16 27 and the department of administrative services. A portion of
16 28 the battle flag collection shall be on display at the state
16 29 capitol and the state historical building at all times, unless
16 30 on loan approved by the department of cultural affairs.

16 31 Sec. 46. Section 321.34, subsection 24, Code 2009, is
16 32 amended to read as follows:

16 33 24. GOLD STAR PLATES. An owner referred to in subsection
16 34 12 who is the surviving spouse, parent, child, or sibling of a
16 35 deceased member of the United States armed forces who died
17 1 while serving on active duty during a time of military
17 2 conflict or who died as a result of such service may order
17 3 special registration plates bearing a gold star emblem upon
17 4 written application to the department accompanied by
17 5 satisfactory supporting documentation as determined by the
17 6 department. The gold star emblem shall be designed by the
17 7 department in cooperation with the commission of veterans
17 8 ~~affairs services~~. The special plate fees collected by the
17 9 director under subsection 12, paragraphs "a" and "c", from the
17 10 issuance and annual validation of letter-number designated and
17 11 personalized gold star plates shall be paid monthly to the
17 12 treasurer of state and deposited in the road use tax fund.
17 13 The treasurer of state shall transfer monthly from the
17 14 statutory allocations fund created under section 321.145,
17 15 subsection 2, to the veterans license fee fund created in
17 16 section 35A.11 the amount of the special fees collected under
17 17 subsection 12, paragraph "a", in the previous month for gold
17 18 star plates.

17 19 Sec. 47. Section 331.608, subsection 6, paragraph e, Code
17 20 2009, is amended to read as follows:

17 21 e. When otherwise required by a department or agency of
17 22 the federal or state government or a political subdivision.
17 23 The recorder shall make these records available to the
17 24 department of veterans ~~affairs services~~. The department of
17 25 veterans ~~affairs services~~ and its employees shall be subject
17 26 to the same state and federal confidentiality restrictions and
17 27 requirements that are imposed on the recorder.

17 28 Sec. 48. Section 422.7, subsection 47, Code 2009, is
17 29 amended to read as follows:

17 30 47. Subtract, to the extent not otherwise deducted in
17 31 computing adjusted gross income, the amounts paid by the
17 32 taxpayer to the department of veterans ~~affairs services~~ for
17 33 the purpose of providing grants under the injured veterans
17 34 grant program established in section 35A.14. Amounts
17 35 subtracted under this subsection shall not be used by the
18 1 taxpayer in computing the amount of charitable contributions
18 2 as defined by section 170 of the Internal Revenue Code.

18 3 Sec. 49. Section 483A.24, subsection 14, Code 2009, is
18 4 amended to read as follows:

18 5 14. Upon payment of the fee of five dollars for a lifetime
18 6 fishing license or lifetime hunting and fishing combined
18 7 license, the department shall issue a lifetime fishing license
18 8 or lifetime hunting and fishing combined license to a resident
18 9 of Iowa who has served in the armed forces of the United
18 10 States on active federal service and who was disabled or was a
18 11 prisoner of war during that veteran's military service. The
18 12 department shall prepare an application to be used by a person
18 13 requesting a lifetime fishing license or lifetime hunting and
18 14 fishing combined license under this subsection. The
18 15 department of veterans ~~affairs services~~ shall assist the
18 16 department in verifying the status or claims of applicants
18 17 under this subsection. As used in this subsection, "disabled"
18 18 means entitled to a service connected rating under the United
18 19 States Code, Title 38, ch. 11.

18 20 Sec. 50. Section 669.2, subsection 4, unnumbered paragraph
18 21 1, Code 2009, is amended to read as follows:

18 22 "Employee of the state" includes any one or more officers,
18 23 agents, or employees of the state or any state agency,
18 24 including members of the general assembly, and persons acting
18 25 on behalf of the state or any state agency in any official
18 26 capacity, temporarily or permanently in the service of the

18 27 state of Iowa, whether with or without compensation, but does
18 28 not include a contractor doing business with the state.
18 29 Professional personnel, including physicians, osteopathic
18 30 physicians and surgeons, osteopathic physicians, optometrists,
18 31 dentists, nurses, physician assistants, and other medical
18 32 personnel, who render services to patients or inmates of state
18 33 institutions under the jurisdiction of the department of human
18 34 services or the Iowa department of corrections, and employees
18 35 of the department of veterans ~~affairs~~ services, are to be
19 1 considered employees of the state, whether the personnel are
19 2 employed on a full-time basis or render services on a
19 3 part-time basis on a fee schedule or other arrangement.
19 4 Criminal defendants while performing unpaid community service
19 5 ordered by the district court, board of parole, or judicial
19 6 district department of correctional services, or an inmate
19 7 providing services pursuant to a chapter 28E agreement entered
19 8 into pursuant to section 904.703, and persons supervising
19 9 those inmates under and according to the terms of the chapter
19 10 28E agreement, are to be considered employees of the state.

19 11 EXPLANATION

19 12 This bill concerns the administration of veterans services
19 13 in Iowa.

19 14 The bill changes the name of the state's department of
19 15 veterans affairs and the commission of veterans affairs to the
19 16 department of veterans services and the commission of veterans
19 17 services. The bill also creates two divisions within the
19 18 renamed department, the veterans home services division and
19 19 the community-based veterans services division. The bill
19 20 provides that the veterans home services division shall be
19 21 responsible for administering the Iowa veterans home and the
19 22 community-based veterans services division shall be
19 23 responsible for those duties of the department as assigned by
19 24 the director. The bill provides that the executive director
19 25 of the department shall appoint the administrator of each
19 26 division as well as the employees of the department.

19 27 The bill also modifies the administration of the Iowa
19 28 veterans home. The bill transfers responsibility for the
19 29 administration of the Iowa veterans home from the commission
19 30 of veterans affairs to the department. In addition, the bill
19 31 changes the name of the executive head of the veterans home
19 32 from the commandant to the administrator of the veterans home
19 33 services division. The bill provides that the administrator
19 34 of the veterans home services division be appointed by the
19 35 executive director of the department and not appointed by the
20 1 governor. In addition, the bill adds the requirement that the
20 2 administrator hold at least a masters degree in health
20 3 facility administration, business administration, or public
20 4 administration. The bill also changes from a requirement to a
20 5 preference the provision in current law that the administrator
20 6 had to have served in the armed forces of the United States
20 7 and be honorably discharged.

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